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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,229	10/20/2003	Philip O. Gerard	LAC03 P320	4066

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,229

Applicant(s)

GERARD, PHILIP O.

Examiner

Jason R Bellinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-16, 18-20 and 22-32 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 17, 21 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Drawings

1. The drawings were received on 15 November 2004. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6-13, 15-16, 18, 20, and 22-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase ('906). Chase shows a composite wheel 11 having an outer surface, a plurality of exposed apertures formed in a circular pattern in a central hub region 15 of the wheel, and a centrally located hub aperture (unlabelled but clearly shown in Figure 3) extending through the wheel 11. A wheel cladding 20, with a body that substantially conforms to the outer surface of the wheel 11, has an exposed outer surface and an inner surface facing the wheel 11 when the wheel cladding 20 is attached to the wheel 11. The wheel cladding 20 includes at least one alignment tab 34 extending from the inner surface for engaging the hub aperture (namely the recess portion 44 of the hub aperture) and aligning the cladding 20 with respect to the hub aperture. At least one support post 48 extends from the inner surface of the cladding 20 substantially proximate to the hub aperture to structurally support the wheel cladding 20 with respect to the wheel 11.

The at least one support post 48 includes a plurality of tabs radially spaced about the hub aperture when the cladding 20 is attached to the wheel 11 (namely four support posts 48 are engaged with the wheel at 50, see Figures 1 & 3). A cap member 13 is located within, and operably connected to, a centrally located aperture 26 of the wheel cladding 20. The cap member 13 is operably connected to the wheel cladding 20 by a snap-fit connection. This snap-fit connection is obtained by a plurality of engagement tabs (unlabeled, but clearly shown in Figure 3) that engages the inner surface of the wheel cladding 20.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase ('906). Chase contains all of the limitations as set forth in paragraph 3 above, but does not specify that the at least one alignment tab includes a plurality of tabs radially spaced about the hub aperture. However, Chase does show the wheel cladding 20 having a plurality of support tabs 48 radially spaced about the hub aperture, and also shows the cap member 13 including a plurality of radially spaced engagement tabs. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art to provide the alignment tabs as a plurality of radially spaced tabs to allow the

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wheel cladding to be aligned with the wheel by a snap-fit type of connection, thus reducing the amount of force required to align and mount the cladding to the wheel.

Allowable Subject Matter

6. Claims 4-5, 17, 21, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Chase ('485 B1) reference is considered to show a wheel assembly including a wheel cladding affixed to the outer surface of the wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617

jrb

JASON R. BELLINGER
PATENT EXAMINER

JRB
2/7/05